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Filing date: **12/17/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214578
Party	Plaintiff LeMans Corporation
Correspondence Address	TARA M VOLD VOLD & WILLIAMSON PLLC 8251 GREENSBORO DRIVE, SUITE 340 MCLEAN, VA 22102 UNITED STATES trademark@vwiplaw.com
Submission	Motion to Compel Discovery
Filer's Name	Tara M. Vold
Filer's e-mail	trademark@vwiplaw.com
Signature	/tmv/
Date	12/17/2014
Attachments	LEMA.260USOP - Opp. No. 91214578 MOTION TO COMPEL.pdf(1552470 bytes) LEMA.260USOP - Opp. No. 91214578 Attachments 1-6 to MOTION TO COMPEL.pdf(2902495 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

LeMans Corporation,)	
)	Opposition No. 91214578
Opposer,)	
)	
v.)	Mark: THORO
)	Serial No. 85/956,925
Lemar Xavier Lewis,)	
)	
Applicant.)	

MOTION TO COMPEL

Pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer LeMans Corporation. (“Opposer”) respectfully moves the Board for an order compelling Applicant Lemar Xavier Lewis (“Applicant”) to respond to Opposer’s First Set of Interrogatories and Opposer’s First Requests for the Production of Documents (hereafter the “Discovery Requests”) without objections.

Such an order is appropriate because despite having had eight months, interventions from the Board and the assistance of two separate counsel, Applicant has failed to respond to Opposer's Discovery Requests. Counsel for Opposer has made repeated good faith efforts to resolve the issues with Applicant but, to date, such efforts have been unsuccessful.

I. Background

A Notice of Opposition (“Opposition”) was filed in the above referenced proceeding by Opposer on January 22, 2014. The Opposition included an indication of service via email and First Class Mail at the correspondent address of record for Applicant listed with the U.S. Patent and Trademark Office (“the USPTO”), as detailed in CFR §2.101(b) and 2.119.

After re-serving the mailed copy of the Opposition (the initial mailed copy contained a numerical error in the address printed on the envelope), on February 19, 2014, Opposer received a Second "Return to Sender" notification from the U.S. Post Office with the indication "Unable to Forward."

Notwithstanding, it appears Applicant received Opposer's courtesy email copy because on March 3, 2014, Applicant's Attorney filed an Answer to the Opposition and a Change of Correspondence address (to identify Applicant's Attorney as the correspondent of record).

A Discovery Conference was promptly held on March 11, 2014 between Applicant's then counsel of record and Opposer's counsel, during which Applicant's counsel informed that email service alone was unacceptable.

On April 24, 2014, Opposer served by mail (with courtesy copy by email) its Initial Disclosures (due May 2, 2014) and the Discovery Requests upon Applicant's counsel.

Opposer did not receive any Initial Disclosures from Applicant by the Board mandated May 2, 2014 deadline.

On May 28, 2014, Applicant's Attorney filed a Request for Permission to Withdraw as Attorney.

On June 16, 2014, the Board refused the request to withdraw as it failed to comply with the requirements of Trademark Rule 2.19(b) and Patent and Trademark Rule 11.116. That same day, Applicant's Attorney filed a response including the information required for withdrawal noting (among other things), that Applicant had discharged counsel and that counsel had delivered all property and documents related to the proceeding to the client.

On June 18, 2014, the Board allowed Applicant thirty days to appoint new counsel or to file a paper stating that Applicant had chosen to represent himself.

On June 30, 2014, the service copy of the Board's June 18th Order to Applicant, which was sent by the Board to Applicant's address of record, was returned as undeliverable.

On July 17, 2014, the Board indicated it had conducted a thorough search and was unable to obtain a new address for Applicant. Accordingly, the Board allowed Applicant an additional thirty days in which to show cause why default should not be entered against Applicant based on his apparent loss of interest in this case.

On July 17, 2014 (the thirtieth day following the June 18, 2014 Order), Applicant filed a response with the Board stating that he wished to represent himself. Applicant's communication failed to indicate proof of service on Opposer's counsel, as required by Trademark Rule 2.119. Opposer did not receive a service copy from Applicant. To expedite the matter, the Board forwarded a copy of the July 17, 2014 filing to Opposer's counsel and allowed Opposer 30 days to file brief in response.

On July 22, 2014, Opposer filed a response requesting the Board issue an order:

- (i) requiring Applicant to submit an updated and current address with the Board as specifically required under TMBP §117.07;
- (ii) resetting the discovery deadlines (as Applicant had received no response to its discovery properly served on April 24, 2014); and
- (iii) reminding Applicant that he would be required to abide by the rules governing this proceeding.

Having received no further communication from Applicant or the Board, on September 3, 2014, Opposer's counsel called the Interlocutory Attorney to indicate that Opposer was unable to move forward without Board action. That same day the Board, through a Paralegal Specialist, issued a new order indicating that its July 17, 2014 Order had been returned as undeliverable on August 4, 2014 and that a second attempt by the Board to obtain a new, more current address for the Applicant was unsuccessful. The Board resumed proceedings setting a new discovery

deadline of November 1, 2014, but made no mention of Opposer's request for a current and valid address for Applicant, or as to a time for Applicant to respond to Discovery Requests.

On September 17, 2014, Opposer's counsel sent an email to Mr. Lewis using the email provided to the Board in his unserved July 17, 2014 email submission indicating that he intended to represent himself. (A copy of Opposer's September 5, 2014 email is included in Attachment 1). In that email Opposer's counsel requested a phone conference of the parties and the TTAB Interlocutory Attorney to discuss:

- a workable address of record for Applicant;
- a deadline for Applicant to respond to the outstanding Discovery Requests properly served back on April 24, 2014; and
- an extension of the discovery cutoff date (now set for 11/1/2014) to allow for more reasonable time to serve any additional discovery that may be necessary based on Applicant's first set of responses.

Having received no response, Opposer's counsel sent Applicant a follow up email on September 17, 2014, indicating Opposer would file a Motion to Compel if no response was received. (A copy of Opposer's September 17, 2014 email is included in Attachment 2).

Later that day, Applicant sent three separate one-line emails indicating in one that his family was having an unidentified family emergency. (A copy of Applicant's September 17, 2014 response emails are included in Attachment 3).

Opposer's counsel requested a time to discuss the matter with Applicant. (A copy of Opposer's September 17, 2014 follow up email is included in Attachment 4). The next day, September 18, 2014, counsel received a response from Applicant indicating he did not want to speak to Opposer's counsel directly and was in the process of obtaining new counsel. (A copy of Applicant's September 18, 2014 email is included in Attachment 5).

On September 23, 2014 Opposer filed a Request for Board Intervention forward by issuing an Order:

- requiring Applicant to provide a workable address of record;
- requiring Applicant to indicate whether he intends to continue to represent himself or obtain outside counsel; and
- requiring Applicant to respond to the outstanding Discovery Requests by a date certain; and
- extending the discovery cutoff date.

On October 1, 2014, Applicant filed a Motion to Extend the time to Answer.

On October 17, 2014, the Board convened a telephone conference with Opposer's counsel and defendant (appearing *pro se*). During that conference Applicant acknowledged he had not served his initial disclosures on Opposer by the Board mandated deadline and had not responded to Opposer's outstanding Discovery Requests.

That same day the Board issued an order which, *inter alia*,¹ allowed Applicant until **October 31, 2014** to serve his initial disclosures on Opposer and until **November 14, 2014** to serve responses to Opposer's Discovery Requests.

On October 31, 2014, Applicant's new counsel, Keesnonga Gore at Minott Gore, P.A. filed a Notice of Appearance. Applicant's new counsel served the Notice of Appearance on Opposer's counsel by email along with Applicant's Initial Disclosures.

On November 4, 2014, Applicant's counsel requested a two-week extension of the Board mandated November 14, 2014 deadline to respond to discovery. On November 7, 2014 counsel for Opposer granted the requested extension to respond out to December 1, 2014.

On December 1, 2014, Opposer's counsel received a second request from Applicant's counsel requesting a further one week extension (until December 8, 2014) indicating the request

¹ The Board's order also confirmed Applicant's new address, confirmed the parties' agreement on acceptance of formal service by email, declared Applicant's Motion to Extend Time to Answer moot and reset all remaining dates in the proceeding.

was made “due to the holiday week and some other issues regarding my client's attentiveness to providing the responses.”

That same day, Opposer's counsel responded to counsel for Applicant, denying the extension request on grounds with the following explanation: “Having experienced numerous delays by Mr. Lewis prior to your involvement (we remind discovery was initially served back on April 24, 2014), and given the fact that we have already consented to a further two-week extension of the hard November 14, 2014 deadline set by the Interlocutory Attorney, our client cannot agree to any further extensions. The history of dealings with Mr. Lewis leave our client with no comfort that any further extensions will be productive in resolving the matter.”

On December 12, 2014, well-past the extended response deadline requested by Applicant's counsel and having received no further communication from Applicant or Applicant's counsel, Opposer's counsel sent an email to Applicant's counsel indicating that “in the absence of our receipt by email of substantively complete responses by close of business, Monday, December 15, 2014, we will be filing a Motion to Compel with the Trademark Trial and Appeal Board.” (A copy of the email string between Applicant's new counsel Minott Gore, P.A and Opposer's counsel from October 31, 2014 to December 12, 2014 email is included in Attachment 6).

As of the time of the filing of this motion, Opposer has received no response from Applicant or Applicant's counsel to its December 12, 2014 email.

II. MOTION TO COMPEL

A. Opposer Has Made a Good Faith Effort to Work With Applicant

In accordance with Trademark Rule 2.120(e), Opposer submits that it has made a good faith effort to resolve with Applicant the issues presented in the motion. Specifically, Opposer has given Applicant ample extensions of time to respond to the Discovery Requests which were served nearly eight months ago. As detailed above, Applicant has not responded **at all** to Opposer's Discovery Requests, and Opposer has no reason to believe that such responses will be forthcoming in the foreseeable future.

B. Applicant Forfeited its Right to Object

The Trademark Trial and Appeal Board Manual of Procedure ("TBMP") provides that a party which fails to respond to discovery interrogatories or document requests during the time allowed therefor, and which is unable to show that its failure was the result of excusable neglect, may be found, upon motion to compel filed by the propounding party, to have forfeited its right to object to discovery on the merits. *See* TBMP §§ 403.03 and 407.01, *citing* *Bison Corp. v. Perfecta Chemie B.V.*, 4 U.S.P.Q.2d 1718 (TTAB 1987); *Luehrmann v. Kwik Kopy Corp.*, 2 U.S.P.Q.2d 1303 (TTAB 1987).

III. REQUEST FOR RELIEF

Applicant's discovery responses were due, on or before December 1, 2014. Accordingly, Opposer respectfully requests that the Board order Applicant to fully respond to Opposer's First Set of Interrogatories and First Requests for the Production of Documents *without objections* within twenty days from the mailing date of the Board's order on this motion.

Respectfully submitted,

LeMans Corporation

Date: December 17, 2014

By: _____



Tara M. Vold

J. Paul Williamson

VOLD & WILLIAMSON PLLC

8251 Greensboro Drive, Suite 340

McLean, VA 22012

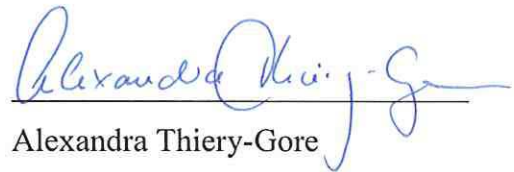
571-395-4630

Attorneys for the Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S MOTION TO COMPEL was served via email on this 17th day of December, 2014 to Counsel for Applicant at the following address of record:

Keesonga Gore
kjg@minottgore.com
Minott Gore, P.A.
201 S. Biscayne Blvd.
Suite 2800
Miami, FL 33131


Alexandra Thiery-Gore

Attachment 1

Tara Vold

From: Tara Vold
Sent: Friday, September 05, 2014 11:15 AM
To: 'lemarlewis@hotmail.com'
Cc: Paul Williamson (pwilliamson@vwiplaw.com); Alexandra Thiery-Gore
Subject: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Dear Mr. Lewis:

As you are aware, we are counsel of record for LeMans Corporation in the above-referenced opposition proceeding before the U.S. Trademark Trial and Appeal Board.

We understand that you are representing yourself in this proceeding.

We are in receipt of the Board's recent September 3, 2014 Order resetting the discovery and trial dates. However, the Order makes no mention of our request for you to provide a valid street address for service; makes no mention of the outstanding discovery (served on April 24, 2014 to your then counsel of record) that still remains unanswered; and extends the discovery cutoff only 33 days notwithstanding all the time lost from the delays resulting from your change or representation before the Board.

We further note that, on August 15, 2014, you filed a new application with the USPTO for THORO (Stylized) (App No. 86/367,828) covering hooded sweatshirts – using the same mailing address that has been ineffective for service in this opposition.

We have received no communication from you since the withdrawal of your prior counsel.

We are currently unable to make effective service of documents in this proceeding under the Rules as your former counsel indicated that service by email was not acceptable.

Accordingly, we are requesting a phone conference of the parties and the TTAB Interlocutory Attorney to discuss the following:

- a workable address of record for you (since the current street address on record with the USPTO has been identified as undeliverable by the US Post office and your previous counsel indicated email service was unacceptable);
- a deadline for you to respond to the outstanding discovery properly served back in April on prior counsel of record at the time; and
- an extension of the discovery cutoff date (now set for 11/1/2014) to allow for more reasonable time to serve any additional discovery that may be necessary based on your first set of responses.

We look forward to promptly scheduling a time for the phone conference at the participants' earliest convenience. Please let us know what dates and times will work for you next week so that we may provide this information to the Interlocutory Attorney.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC

8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



Attachment 2

Tara Vold

From: Tara Vold
Sent: Wednesday, September 17, 2014 9:36 AM
To: 'lemarlewis@hotmail.com'
Cc: Paul Williamson (pwilliamson@vwiplaw.com); Alexandra Thiery-Gore
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Mr. Lewis,

It has now been twelve days since we sent the below email requesting a phone conference of the parties and the TTAB Interlocutory Attorney to discuss service and discovery issues.

We have received no response to this email nor have we received any communication from you since the withdrawal of your prior counsel on May 28, 2014.

As noted, we are currently unable to make effective service of documents in this proceeding under the Rules as your former counsel indicated that service by email was not acceptable and the street address identified for correspondence with the Trademark Office is not valid.

If we do not receive a response from you by Monday September 22, 2014, we will have no choice but to file a Motion to Compel with the Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



From: Tara Vold
Sent: Friday, September 05, 2014 11:15 AM
To: 'lemarlewis@hotmail.com'
Cc: Paul Williamson (pwilliamson@vwiplaw.com); Alexandra Thiery-Gore
Subject: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

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- an extension of the discovery cutoff date (now set for 11/1/2014) to allow for more reasonable time to serve any additional discovery that may be necessary based on your first set of responses.

We look forward to promptly scheduling a time for the phone conference at the participants' earliest convenience. Please let us know what dates and times will work for you next week so that we may provide this information to the Interlocutory Attorney.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



Attachment 3

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Wednesday, September 17, 2014 10:16 AM
To: Tara Vold
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Sure lets talk.....

From: tvold@vwiplaw.com
To: lemarlewis@hotmail.com
CC: pwilliamson@vwiplaw.com; agore@vwiplaw.com
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)
Date: Wed, 17 Sep 2014 13:35:48 +0000

Mr. Lewis,

It has now been twelve days since we sent the below email requesting a phone conference of the parties and the TTAB Interlocutory Attorney to discuss service and discovery issues.

We have received no response to this email nor have we received any communication from you since the withdrawal of your prior counsel on May 28, 2014.

As noted, we are currently unable to make effective service of documents in this proceeding under the Rules as your former counsel indicated that service by email was not acceptable and the street address identified for correspondence with the Trademark Office is not valid.

If we do not receive a response from you by Monday **September 22, 2014**, we will have no choice but to file a Motion to Compel with the Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



From: Tara Vold
Sent: Friday, September 05, 2014 11:15 AM
To: 'lemarlewis@hotmail.com'

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Wednesday, September 17, 2014 10:16 AM
To: Tara Vold
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

My family is having a medical emergency sorry to inconvenience you...

From: tvold@vwiplaw.com
To: lemarlewis@hotmail.com
CC: pwilliamson@vwiplaw.com; agore@vwiplaw.com
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)
Date: Wed, 17 Sep 2014 13:35:48 +0000

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We have received no response to this email nor have we received any communication from you since the withdrawal of your prior counsel on May 28, 2014.

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If we do not receive a response from you by Monday September 22, 2014, we will have no choice but to file a Motion to Compel with the Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



From: Tara Vold
Sent: Friday, September 05, 2014 11:15 AM
To: 'lemarlewis@hotmail.com'

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Wednesday, September 17, 2014 10:20 AM
To: Tara Vold
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

In the mean time watch this..

<http://www.youtube.com/watch?v=Jp8HPjDOBZM>

From: tvold@vwiplaw.com
To: lemarlewis@hotmail.com
CC: pwilliamson@vwiplaw.com; agore@vwiplaw.com
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)
Date: Wed, 17 Sep 2014 13:35:48 +0000

Mr. Lewis,

It has now been twelve days since we sent the below email requesting a phone conference of the parties and the TTAB Interlocutory Attorney to discuss service and discovery issues.

We have received no response to this email nor have we received any communication from you since the withdrawal of your prior counsel on May 28, 2014.

As noted, we are currently unable to make effective service of documents in this proceeding under the Rules as your former counsel indicated that service by email was not acceptable and the street address identified for correspondence with the Trademark Office is not valid.

If we do not receive a response from you by Monday **September 22, 2014**, we will have no choice but to file a Motion to Compel with the Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



Attachment 4

Tara Vold

From: Tara Vold
Sent: Wednesday, September 17, 2014 1:32 PM
To: 'Lemar Lewis'
Cc: Paul Williamson (pwilliamson@vwiplaw.com); Alexandra Thiery-Gore
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Mr. Lewis,

Thank you for your response. Are you available to discuss tomorrow at 1pm? If so, please call me at the number below (or provide me with a number where I can reach you).

If you are not available, please propose an alternative time.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



From: Lemar Lewis [mailto:lemarlewis@hotmail.com]
Sent: Wednesday, September 17, 2014 10:16 AM
To: Tara Vold
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Sure lets talk.....

From: tvold@vwiplaw.com
To: lemarlewis@hotmail.com
CC: pwilliamson@vwiplaw.com; agore@vwiplaw.com
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)
Date: Wed, 17 Sep 2014 13:35:48 +0000

Mr. Lewis,

It has now been twelve days since we sent the below email requesting a phone conference of the parties and the TTAB Interlocutory Attorney to discuss service and discovery issues.

Attachment 5

Tara Vold

From: Lemar Lewis <lemarlewis@hotmail.com>
Sent: Thursday, September 18, 2014 4:09 PM
To: Tara Vold
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)

Tara,

No, i'm not (since its past 1p.m i'm sure you've gathered that by now).. With you being a lawyer, I don't know how wise it would be for me to speak with you directly. I'm in the process of re-obtaining legal counsel to address this matter. This is issue quite perplexing to me, so I must seek additional legal counsel. I also will eventually update my mailing information with the U.S.P.T.O as soon as I can. I requested that they contact me via e-mail and I'm assuming my family at my previous residence has either moved, or is sending back all mail correspondences ..

Best regards,

Lemar

From: tvold@vwiplaw.com
To: lemarlewis@hotmail.com
CC: pwilliamson@vwiplaw.com; agore@vwiplaw.com
Subject: RE: LEMANS v. LEMAR XAVIER LEWIS Opposition No. 91214578 (THORO); Our Ref. (LEMA.260USOP)
Date: Wed, 17 Sep 2014 17:32:19 +0000

Mr. Lewis,

Thank you for your response. Are you available to discuss tomorrow at 1pm? If so, please call me at the number below (or provide me with a number where I can reach you).

If you are not available, please propose an alternative time.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



Attachment 6

Tara Vold

From: Tara Vold
Sent: Friday, December 12, 2014 1:47 PM
To: 'K. Gore'
Cc: Paul Williamson; Alexandra Thiery-Gore
Subject: RE: THORO - Opposition Proceeding No. 91214578 (our Ref. LEMA.260USOP)

Keesonga,

Discovery Requests in the above-referenced TTAB proceeding were initially served on Mr. Lewis back on April 24, 2014. After experiencing numerous delays in receipt of any responses to these requests, we reached out to the Board for intervention. In an Order dated October 17, 2014, the Board set a hard deadline of November 14, 2014 for Mr. Lewis to serve the discovery responses by email. Although not compelled to do so, our client consented to your request for an additional two week extension, making the responses due December 1, 2014. Based on this background, we denied your December 1, 2014 request for a further one week extension of that deadline.

Even had our client granted the further extension, we are well past the response deadline you requested. As such, in the absence of our receipt by email of substantively complete responses by close of business, Monday, December 15, 2014, we will be filing a Motion to Compel with the Trademark Trial and Appeal Board.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



From: Tara Vold
Sent: Monday, December 01, 2014 3:48 PM
To: K. Gore
Cc: Paul Williamson; Alexandra Thiery-Gore
Subject: RE: THORO - Opposition Proceeding No. 91214578 (our Ref. LEMA.260USOP)

Keesonga,

Thank you for your email. Having experienced numerous delays by Mr. Lewis prior to your involvement (we remind discovery was initially served back on April 24, 2014), and given the fact that we have already consented to a further two-week extension of the hard November 14, 2014 deadline set by the Interlocutory Attorney, our client cannot agree to any further extensions. The history of dealings with Mr. Lewis leave our client with no comfort that any further extensions will be productive in resolving the matter.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340
McLean, VA 22102
571.395.4631
tvold@vwiplaw.com



From: K. Gore [<mailto:kjg@minottgore.com>]
Sent: Monday, December 01, 2014 3:32 PM
To: Tara Vold
Cc: Paul Williamson; Alexandra Thiery-Gore
Subject: Re: THORO - Opposition Proceeding No. 91214578 (our Ref. LEMA.260USOP)

Hello Tara,

Due to the holiday week and some other issues regarding my client's attentiveness to providing the responses, we would like to request a due date of Monday, December 8th for the outstanding discovery.

Please let me know if your client is agreeable.

Best,
Keesonga

On Fri, Nov 7, 2014 at 3:27 PM, Tara Vold <tvold@vwiplaw.com> wrote:

Keesonga,

Thank you for your email. You have our consent to extend the response date for the outstanding discovery requests to December 1, 2014.

Regards,

Tara M. Vold
VOLD & WILLIAMSON PLLC
8251 Greensboro Drive, Suite 340

McLean, VA 22102

~~571.395.4631~~

tvold@vwiplaw.com



From: K. Gore [mailto:kjg@minottgore.com]
Sent: Tuesday, November 04, 2014 5:35 PM
To: Tara Vold
Cc: Paul Williamson; Alexandra Thiery-Gore
Subject: Re: THORO - Opposition Proceeding No. 91214578 (our Ref. LEMA.260USOP)

Hello Tara,

Thank you for the email.

Due to our recent appearance in this proceeding, we would like to request a response date of 12/1/14 to the outstanding discovery requests.

Also, will your client agree to each party producing documents via PDFs, CDs, or other electronic form.

Please advise.

Best,

Keesonga

On Tue, Nov 4, 2014 at 9:43 AM, Tara Vold <tvold@vwiplaw.com> wrote:

Mr. Gore,

Thank you for the Notice of Appearance and Initial Disclosures for which we confirm receipt.

As you may be aware, we received the attached correspondence from Mr. Lewis on October 27th indicating an interest in revisiting negotiations initiated by our client back in March. Since LeMans remains concerned that consumer confusion will result from the continued use and registration of the THORO mark with clothing items and continues to be unaware of any evidence of use of the THORO that would support Mr. Lewis' historic and recent assertions of use in commerce before the Trademark Office with respect to the THORO mark, LeMans will consider further negotiations after it receives Mr. Lewis' responses to its discovery requests due November 14, 2014.

Regards,

Tara M. Vold

VOLD & WILLIAMSON PLLC

8251 Greensboro Drive, Suite 340

McLean, VA 22102

571.395.4631

tvold@vwiplaw.com

From: K. Gore [mailto:kjg@minottgore.com]
Sent: Friday, October 31, 2014 1:23 PM
To: Trademark
Subject: THORO - Opposition Proceeding No. 91214578

Hello Tara,

Please find attached service copies of our Notice of Appearance regarding Opposition Proceeding No. 91214578 and Applicant's Initial Disclosures.

Please confirm receipt.

Best,

Keesonga

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Keesonga J. Gore
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Keesonga's Bio

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